S.B. Criminal Misc. Bail Application No.5776/2006

Date : 04.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. J.S. Choudhary for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that in the instant case statements of three police witnesses namely Sarvar Ali SHO, Gokala Ram, ASI and Bhanwar Singh FC are very important. He submits that Gokala Ram ASI has made improvement in his statement because in Rojnamcha report he has specifically recorded what the deceased has specifically stated and the deceased has disclosed only name of Bagta Ram thereafter he became unconscious. According to learned counsel, subsequent improvement has been made on account on enmity by inserting the name of the petitioner in his statement recorded later in time. He further submits that

other two witnesses have not stated any word about the present applicant. He further submits that from very beginning, no mention of the name of the applicants was made and no identification parade has been held in this case. He also submits that after lodging of the FIR and three reports in Rojnamcha, where no name of the petitioner appears, subsequently the name of the applicant was inserted in the statement of Gokala Ram ASI along with Bhana Ram.

On the other hand, learned Public Prosecutor has submitted that in the statements of Dinesh and Lalit there appears names of the present applicants, therefore, they should not be enlarged on bail.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicants (1) Bhana Ram s/o Poker Ram and (2) Rugga Ram s/o Poker Ram shall be released on bail in CR No.114/2006 P.S. Jhanwar, Jodhpur, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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